

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

THOMAS A. HUMPHREY, SR.,)
)
)
Plaintiff,)
)
)
)
vs.) CASE NO. 3:11-00119
) JUDGE CAMPBELL/KNOWLES
)
)
KRISPY KREME DOUGHNUTS, INC.,)
)
Defendant.)

ORDER

This matter is before the Court upon Defendant's "Motion to Compel Discovery."

Docket No. 16. Plaintiff has filed a Response in Opposition to the Motion. Docket No. 17.

The Motion contains a "Good Faith Certification," which states in full:

Undersigned hereby certifies as follows: I have in good faith attempted to confer with Plaintiff's defense counsel [*sic*] in an effort to secure the information and material, which is the subject of Defendant's Motion to Compel, without court action.

Docket No. 16, p. 3.

The certification does not comply with Local Rule 37.01(a), which provides:

Joint Written Statement. Prior to filing any discovery motion, counsel for the parties shall prepare a joint written statement of the matters at issue in the discovery dispute. The joint statement of issue shall be attached to any discover motion.

The instant Motion to Compel was not accompanied by the required joint written statement.

Additionally, the certification does not comply with Local Rule 37.01(b)(3), which states

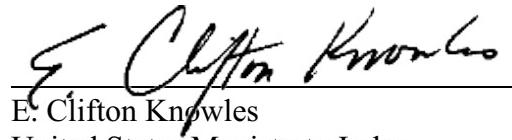
in relevant part:

Counsel for a party moving to compel discovery . . . shall file with the Court, at the time of the filing of the motion, a statement certifying that he *has conferred* with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and that counsel have not been able to do so. *No such motion shall be considered by the Court absent compliance with this Rule.*

Local Rule 37.01(b)(3) requires a statement certifying that counsel “has conferred” with opposing counsel. The instant “good faith certification” states merely that Defendant’s counsel has *attempted to confer* with opposing counsel.

For the foregoing reasons, the instant Motion to Compel (Docket No. 16) is DENIED.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge